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UNCLAS NAIROBI 002041

SENSITIVE

DEPT FOR AF/E, AF/RSA, AND AF/EPS
DEPT FOR EEB/TRA J EMERY
DEPT ALSO PASS TO DOT FOR CORNELIA (CONNIE) HUNTER
TSA FOR JILLENE MACCREERY, CARLOS DE LA TORRE, AND MIRIAM MOSES
FAA FOR DONNA KRIMSKI
FAA REPRESENTATIVE DAKAR

SIPDIS

E.O. 12958: N/A
TAGS: [EAIR](#) [ECON](#) [ASEC](#) [PTER](#) [KCRM](#) [KE](#)
SUBJECT: KENYA HITS TURBULENCE ON APPROACH TO "SAFE SKIES"

REF: NAIROBI 1725

11. (SBU) Summary: The Kenya Civil Aviation Authority (KCAA) must immediately hire at least three qualified aviation inspectors if Kenya is to potentially achieve FAA Category One status within 12-18 months. Despite the high salaries demanded by these inspectors, Prime Minister Odinga and Transport Minister Ali Mwakwere remain committed to the goal of achieving Category One to accrue the benefits of direct flights to the U.S. and take full advantage of the June 2008 Bilateral Open Skies Agreement. Odinga and Mwakwere agree on how to fill the current vacancies: upgrade KCAA to a higher category para-statal, thereby permitting KCAA to pay higher salaries to recruit and retain qualified inspectors to certify Kenya Airway's diverse fleet. As of August 27, the proposal to upgrade KCAA's para-statal status and add inspectors was pending approval before Cabinet. Both physical and programmatic security upgrades to Jomo Kenyatta International Airport are also needed for Kenya to achieve Category One; the Prime Minister has instructed the Kenya Airport Authority to implement the upgrades. Moreover, Odinga's task is to make -- in practice -- the Kenya Airports Authority (KAA) and Kenya Airways (KQ) subordinate to KCAA; this oversight is the pillar of FAA Category One for safety as well as International Civil Aviation Organization and Transportation Security Administration (TSA) requirements. Even with the best of intentions, Kenya's achievement of Category One could take at least 12-18 months. End Summary.

12. (SBU) Visiting DOT "Safe Skies for Africa" Program Manager Connie Hunter, accompanied by the DCM, A/ECON Counselor, and TSA Regional Advisor, met with Prime Minister Odinga August 18. The purpose of the meeting was to inform Odinga of the immediate steps that Kenya must take to achieve FAA Category One status, a prerequisite for direct flights to the U.S. Hunter made clear that the cash-strapped Kenya Civil Aviation Authority (KCAA) must immediately hire at least three qualified journeymen-level aviation inspectors (two covering flight operations, the other airworthiness). Hunter explained that KCAA needs these inspectors onboard now to certify Kenya Airways' (KQ) diverse fleet of aircraft, including Boeing 737s, 767s, and 777s, as part of the process of meeting international safety standards leading to achieving FAA Category One status. Hunter emphasized that without these inspectors (and a plan to retain them), Kenya's pursuit of FAA Category One -- and the benefits of the June 2008 Bilateral Open Skies Agreement -- would stall. On the other hand, if KCAA could hire the inspectors "today," Kenya could potentially obtain Category One status within 12-18 months. Hunter noted a \$1 million U.S. pledge to the East African Community's regional aviation safety and security oversight organization, which could help offset training costs for any new Kenyan inspectors, potentially including flight

simulators training. Hunter reiterated the requirement for sustainable safety and security oversight by KCAA.

13. (SBU) The Prime Minister thanked Hunter for continued U.S. assistance on civil aviation. After briefly consulting with his staff, Odinga suggested that the solution would be to upgrade KCAA's para-statal status to provide it the authority and the budget to pay the high salaries needed to hire and retain these specialized inspectors. (Note: In the past, Kenya Airways and Middle Eastern airlines have repeatedly poached U.S.-trained KCAA inspectors, luring them away with generous salaries and benefits.) Odinga said he would discuss the para-statal upgrade with President Kibaki within the week, noting the benefits to tourism and trade that would accrue from KQ's access to the U.S. market. He concluded the meeting by stating "we will do everything possible to make this happen."

14. (SBU) In a follow-on meeting with Minister of Transportation Mwakwere and the heads of KQ, KCAA, and the Kenya Airport Authority (KAA), Hunter delivered the same message regarding the need for KCAA to hire qualified inspectors to certify KQ's technically advanced fleet. Hunter also noted that KAA had not yet implemented security upgrades required by TSA for the airport to serve as a last point of departure for flights to the United States. The upgrades include enhancements to both the physical layout of the airport/terminal as well as to several key programs. Without the inspectors and security upgrades, KQ would not be permitted to fly to the U.S., Hunter said. Contrasting KQ with Delta, Hunter noted that Delta's fleet was already FAA certified and the only obstacles to Delta's providing direct U.S.-Kenya-U.S. flights were relatively minor security upgrades in the terminal area of JKIA.

15. (SBU) In response, Minister Mwakwere said he had instructed KAA to expedite the required security enhancements at the airport. The Minister responded that he was aware of the inspectors issue and that he was forwarding to Cabinet a proposal to upgrade the status of KCAA to provide it the authority and budget to hire and retain the specialized inspectors. Note: As of August 26, the proposal to upgrade KCAA (including the addition of ten new inspector positions) was still before Cabinet awaiting approval. End Note.

16. (SBU) Comment: The GOK ranks para-statals according to their "revenue importance." KAA, whose Managing Director, George Muhoho, is a close friend of President Kibaki, enjoys the highest ranking. On the other hand, KCAA, which theoretically oversees KAA, has had a lower ranking. Not only has this imbalance made it impossible for cash-strapped KCAA to hire and retain qualified personnel/inspectors, it has also created a situation where KCAA cannot exercise oversight of the KAA -- or of Kenya Airways and other airlines.

17. (SBU) Comment continued: We have long championed KCAA and advised the GOK of the need to put more resources and authority into KCAA in order to make it a sovereign and well-equipped aviation oversight body. DOT Hunter's visit was timely and useful in focusing high-level GOK attention on the obstacles to achieving Category One status, and precipitating actions to remove them. Clearly, the June 2008 Bilateral Open Skies Agreement (signed by Minister Mwakere and witnessed by the Prime Minister in Washington), which opens the possibility of direct flights by Kenya Airways to the U.S., has galvanized the Government of Kenya. While disappointed to learn that the certification of KQ's fleet, along with other tasks, could delay achievement of that goal by another 12-18 months -- even if the security upgrades to JKIA were complete and aviation inspectors hired "yesterday" -- both the Prime Minister and Minister of Transportation announced their intention to expedite the process and achieve Category One as quickly as possible. End comment.

RANNEBERGER